

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
ROBERT J. PENNINGTON, a/k/a "Killa,"	:	VIOLATIONS:
GERARDO N. GONSALES, a/k/a "Big Pun"	:	18 U.S.C. § 1951(a) (conspiracy to interfere with interstate commerce by robbery - 1 count)
	:	18 U.S.C. § 1951(a) (interference with interstate commerce by robbery - 1 count)
	:	18 U.S.C. § 1951(a) (attempted interference with interstate commerce by robbery - 1 count)
	:	18 U.S.C. § 924(c) (using and carrying a firearm during a crime of violence - 2 counts)
	:	18 U.S.C. § 2 (aiding and abetting) Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At times relevant to this indictment, the following business were engaged in interstate commerce in the Eastern District of Pennsylvania and elsewhere:

1. Victim #1 and Victim #2 operated a trucking business, which was based in New York City, in the Southern District of New York, and which involved the transportation and delivery of snack foods to other locations, including the city of Reading, in the Eastern District of Pennsylvania.

2. Penn Pride Oil Company, a company based in Reading, Pennsylvania, in the Eastern District of Pennsylvania, was in the business of delivering home heating fuel to customers in the Eastern District of Pennsylvania and elsewhere.

THE ROBBERY CONSPIRACY

3. On or about January 17, 2007, to on or about February 4, 2008, in Reading, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ROBERT J. PENNINGTON,
a/k/a “Killa,” and
GERARDO N. GONSALES,
a/k/a “Big Pun**

conspired and agreed together to unlawfully obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, by robbery, in that defendants PENNINGTON and GONSALES agreed to unlawfully take and obtain money from persons doing business in Reading, Pennsylvania against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property and property in their possession, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

It was part of this conspiracy that:

4. Defendants ROBERT J. PENNINGTON and GERARDO N. GONSALES traveled to and from robbery locations in Reading, Pennsylvania, in a 2003 Buick LeSabre, while armed with a loaded Smith & Wesson 9 mm firearm.

5. During a robbery and attempted robbery, defendant ROBERT J PENNINGTON brandished the Smith & Wesson 9 mm firearm at the victim(s), while demanding money.

6. During a robbery and attempted robbery, defendant GERARDO N. GONSALES acted as the “look out” and getaway driver.

OVERT ACTS

In furtherance of this conspiracy, defendants ROBERT J. PENNINGTON and GERARDO N. GONSALES committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

The January 17, 2008 Robbery

On or about January 17, 2008:

1. After Victim # 1 and Victim # 2 parked their delivery truck near Front and Greenwich Streets in Reading to make a delivery, defendant ROBERT J. PENNINGTON illegally obtained access to their unoccupied delivery truck.

2. When Victim # 1 attempted to enter the delivery truck after making a delivery, defendant ROBERT J. PENNINGTON threatened Victim #1 by brandishing a firearm. When Victim # 1 tried to get away, defendant GERARDO N. GONSALES pushed Victim # 1 inside the truck, knocked him to the floor, and punched him several times, while defendant PENNINGTON held a 9 mm Smith & Wesson semiautomatic firearm to his head.

3. Defendants ROBERT J. PENNINGTON and GERARDO N. GONSALES demanded money from Victim #1, stole approximately \$800 in United States currency, and fled in a 2003 Buick LeSabre.

The January 24, 2008 Attempted Robbery

On or about January 24, 2008:

4. Defendant ROBERT J. PENNINGTON approached the delivery truck operated by Victims #1 and #2 holding a black firearm in his hand while Victim # 2 was inside.

5. When defendant ROBERT J. PENNINGTON attempted to open the door of the delivery truck, Victim #2 locked the doors of the truck to prevent defendant PENNINGTON approached preventing his access. Defendant PENNINGTON left the truck and met defendant GERARDO N. GONSALES and they walked away from the delivery truck together.

The February 4, 2008 Attempted Robbery

On or about February 4, 2008:

6. Defendant GERARDO N. GONSALES drove a 2003 Buick LeSabre with defendant ROBERT J. PENNINGTON in the front passenger seat to a location near 547 Centre Street in Reading, Pennsylvania.

7. Defendant GERARDO N. GONSALES dropped defendant ROBERT J. PENNINGTON off near the Penn Pride Oil delivery truck, which was parked 547 Centre Street in Reading.

8. While Victim # 3, a Penn Pride Oil truck driver, was pumping oil for a customer, defendant ROBERT J. PENNINGTON approached Victim # 3 and pointed a 9 mm Smith & Wesson semiautomatic firearm to his head, ordered him not to look at him and to give him money, and then reached into the Victim #3's pocket, and started removing approximately \$200 in United States currency.

9. Meanwhile, defendant GERARDO N. GONSALES entered the Penn Pride Oil delivery truck and stole cash and checks from inside the truck.

10. As Victim # 3 struggled with defendant ROBERT J. PENNINGTON over the firearm, defendant PENNINGTON yelled for defendant GERARDO N. GONSALES to help him. Defendant GONSALES dropped the stolen cash and checks and ran over to assist defendant PENNINGTON.

11. After Victim # 3 successfully wrestled the gun away from defendants ROBERT J. PENNINGTON and GERARDO N. GONSALES, they fled.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 4 through 6, and Overt Acts 1 through 3 of Count One of this indictment are incorporated here.

2. On or about January 17, 2008, in Reading, in the Eastern District of Pennsylvania, defendants

**ROBERT J. PENNINGTON,
a/k/a “Killa,” and
GERARDO N. GONSALES,
a/k/a “Big Pun**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants PENNINGTON and GONSALES unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, money, from Victim #1 doing business in Reading, Pennsylvania, and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to Victim #1's person and property in Victim's #1's possession, that is, by brandishing a handgun and demanding money.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 4 through 6, and Overt Acts 1 through 3 of Count One of this indictment are incorporated here.

2. On or about January 17, 2008, in Reading, in the Eastern District of Pennsylvania, defendants

**ROBERT J. PENNINGTON,
a/k/a “Killa,” and
GERARDO N. GONSALES,
a/k/a “Big Pun**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Smith & Wesson, 9 mm handgun, model number 5904, bearing serial number TEW9461, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a), and interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c), (c)(1)(A)(ii) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 2 and 4 through 6, and Overt Acts 6 through 11 of Count One of this indictment are incorporated here.

2. On or about February 4, 2008, in Reading, in the Eastern District of Pennsylvania, defendants

**ROBERT J. PENNINGTON,
a/k/a “Killa,” and
GERARDO N. GONSALES,
a/k/a “Big Pun**

attempted to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants PENNINGTON and GONSALES attempted to unlawfully take and obtain, and aided and abetted the unlawful attempt to take and obtain money, from Victim #3 doing business in Reading, Pennsylvania, against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to Victim #3's person and property in Victim's #3's possession, that is, by brandishing a handgun and demanding money.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 2 and 4 through 6, and Overt Acts 6 through 11 of Count One of this indictment are incorporated here.

2. On or about February 4, 2008, in Reading, in the Eastern District of Pennsylvania, defendants

**ROBERT J. PENNINGTON,
a/k/a “Killa,” and
GERARDO N. GONSALES,
a/k/a “Big Pun**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Smith & Wesson, 9 mm handgun, model number 5904, bearing serial number TEW9461, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a), and interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c), (c)(1)(A)(ii) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 924(c), set forth in this indictment, defendants

**ROBERT J. PENNINGTON,
a/k/a “Killa,” and
GERARDO N. GONSALES,
a/k/a “Big Pun**

shall forfeit to the United States of America, the firearm and ammunition involved in the commission of this offense, including, but not limited to a Smith & Wesson, 9 mm handgun, model number 5904, bearing serial number TEW9461.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
United States Attorney**